

APPEAL NO. 032408
FILED OCTOBER 29, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 6, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and had disability from February 5 through the date of the hearing. The appellant (carrier) appeals these determinations. The claimant urges affirmance.

DECISION

Affirmed.

The carrier complains on appeal that the hearing officer erred in determining that the claimant sustained a compensable specific event injury, as the issue before him was whether she sustained an occupational disease injury. However, we have held that in such instances, it is proper for the hearing officer to address the specific incident injury. Texas Workers' Compensation Commission Appeal No. 000741, decided May 25, 2000. Whether the claimant sustained a compensable injury and had disability were factual questions for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, the determination that the claimant sustained a compensable injury on _____, is affirmed. Contrary to the carrier's assertion on appeal, nothing in the claimant's recorded statement precludes a finding that she had disability for the time period found by the hearing officer.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge